

REMARKS**Status of Claims**

Claims 10-12 and 15-19 are pending after entry of this paper. Claims 11 and 17 have been withdrawn without prejudice. Applicant reserves the right to pursue withdrawn claims in a divisional or continuing application.

Reconsideration and withdrawal of the pending restriction requirement in view of the withdrawn claims and below remarks are respectfully requested.

Response to Restriction Requirement under 35 U.S.C. §121

In the Official Action, restriction under 35 U.S.C. §121 is required to one of the following two groups of inventions:

Group I: Claims 10, 12, 15, 16, and 18-19 drawn to a method of using a mannan-containing natural material to prepare 3% by weight of a portion of β -1,4-mannobiose-containing composition.

Group II: Claims 11, 12, 15, 17, and 18-19 drawn to methods of using a mannan extract by preparing the extract which has 10% by weight of a portion of β -1,4-mannobiose-containing composition.

Examiner alleges that the "groups are directed to using different active ingredients for using a portion of β -1,4-mannobiose-containing composition and hence require different process steps for carrying out the product by processes." (Office Action pg. 2-3). In response to the Restriction Requirement, the applicant elects to prosecute **Group I** (i.e., Claims 10, 12, 15, 16, and 18-19 drawn to a method of using a mannan-

containing natural material to prepare 3% by weight of a portion of β -1,4-mannobiose-containing composition).

In addition, applicants discovered that in the Response which was filed July 7, 2008 the claim set indicates that claim 15 is "cancelled". However, in the "Remarks" section of the Response claim 15 was identified as "pending" and "amended" (see page 5). Applicants confirm that claim 15 was not cancelled in the Amendment/Response filed July 7, 2008. Applicants believe the Examiner is aware that claim 15 is still pending, because the Examiner has indicated it as pending in the current Office Action (see Office Action Summary). Applicants regret any confusion that this may have caused.

Entry and consideration of the Response is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, the applicants respectfully request reconsideration and withdrawal of the election requirement of claims and allowance of this application.

AUTHORIZATION

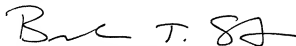
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4439-4033.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4439-4033.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 20, 2008

By:



Brandon T. Schurter
Registration No. 59,668

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700
(212) 415-8701

Telephone
Facsimile